

# **FISCAL NOTE**

## **SB 2430 - HB 2488**

March 4, 2002

### **SUMMARY OF BILL:**

1. Specifies that purchase of voting equipment for use by any county election commission is the sole responsibility of the state.
2. Provides that compensation received by county election commission members shall come from the state treasury rather than county funds and that the employees of the commissions shall be deemed state employees for the purposes of insurance, worker's compensation, leave, benefits programs, retirement and compensation increases.
3. Specifies that the local government is only responsible for costs which would not have been incurred otherwise that are attributable to a local election when such election is held on the same day as a state or federal election.
4. Deletes provision prohibiting a county governing body from adopting a budget which reduces below current levels the salaries and number of employees in the sheriff's department without the sheriff's consent.
5. Increases commission of circuit court clerks, clerks and masters of chancery court, and criminal court clerks for receiving and paying over all privilege taxes on litigation from 15% to 20%.
6. Increases commission of county clerks for receiving and paying over state and county revenues from 5% to 20%.
7. Provides for sheriffs or constables to receive the mileage allowance granted to federal employees when they are required to act as guards and escort prisoners. Under current law the reimbursement rate is twenty cents per mile.
8. Deletes provision that froze the sheriff or constable fees assessed against the state or otherwise representing costs to the state to the level allowable prior to May 28, 1977.
9. Requires the state to reimburse each county on an annual basis for expenses incurred in providing space and facilities for judges. Provides for the counties to submit cost statements to the Comptroller for reimbursement.
10. Requires Tennessee Highway Patrol officers to transport mentally ill or emotionally disturbed persons from detention facilities to treatment facilities and from treatment to detention. Authorizes the Department of Mental Health and Developmental Disabilities to designate secondary transportation agents when the highway patrol is not available and outlines requirements for such secondary agents. Requires the Department to provide training for highway patrol officers and secondary transportation agents on mental health crisis management.
11. Authorizes counties to impose a \$500 fee on the estate of a decedent for a postmortem examination conducted.

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12. Provides for the reimbursement of counties for housing prisoners charged with felony offenses and sentenced to more than one year of confinement during the time the prisoner is detained in the county facility prior to sentencing.
13. Specifies that the state is responsible for 100% of the total cost of instructional salaries and benefits for local education agencies. Specifies that if state appropriations are insufficient in any year to meet this obligation the Commissioner of Education shall reduce the state salary schedule or the number of instructional positions and if necessary the maximum class size requirements shall be waived.
14. Deletes provision prohibiting counties or municipalities from imposing privilege taxes.
15. Increases commission received by county registers for collecting and reporting recordation taxes from 5% to 20%.

### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - Exceeds \$1,570,000,000 Recurring  
\$3,234,000 One-Time**

**Decrease State Revenues - Exceeds \$31,000,000**

**Decrease Local Govt. Expenditures - Exceeds \$1,500,000,000**

**Increase Local Govt. Revenues - Exceeds \$100,000,000**

Estimate assumes:

- the state will experience an increase in expenditures for the costs of funding all county election commissions and providing voting equipment. This increase is estimated to exceed \$25,000,000.
- a decrease in local government expenditures to the extent a local government chooses to reduce salaries in the sheriff's department. This provision is permissive and any decrease is estimated to be not significant.
- increasing commissions paid to local officials for collection of the litigation tax will result in a decrease in state revenues exceeding \$200,000 and a corresponding increase in local government revenues.
- increasing commissions received by county clerks and county registers will result in a decrease in state revenues exceeding \$31,000,000 and a corresponding increase in local government revenues.
- to the extent sheriff fees are raised above current levels, the state will experience an increase in expenditures to the state prosecution account due to the elimination of the provision freezing such fees at the 1977 rate.

- the state will experience an increase in expenditures from the increased mileage reimbursement rate for sheriffs transporting prisoners.
- an increase in state expenditures of approximately \$1,400,000 for the cost of reimbursing counties for expenses incurred providing space and facilities for judges based on 101 trial judges at a cost of \$14,000 each annually.
- 77 positions in the Department of Safety for transportation of mentally ill prisoners with salary and benefits of \$2,933,300 and recurring equipment, uniform and training costs of \$977,900.
- one-time expenditures in the Department of Safety for supplies, vehicles, uniforms, training and equipment of \$3,234,000.
- one-time increase in expenditures to the Department of Mental Health and Developmental Disabilities for required crisis training to be provided to highway patrol officers and secondary transport agents exceeding \$50,000.
- a decrease in local government expenditures to sheriff's departments that will no longer be required to transport mentally ill prisoners.
- an increase in local government revenues exceeding \$100,000 to the extent they choose to implement the fee for conducting postmortem examinations. This provision is permissive.
- an increase in state expenditures exceeding \$71,000,000 for reimbursement of counties for housing felony offenders prior to sentencing and a corresponding increase in local government revenues based on an average of 5,123 felons per day being housed at a cost of \$38.41.
- an increase in state expenditures exceeding \$1,474,400,000 for the costs of instructional salaries and benefits for schools and a corresponding decrease in local government expenditures.
- an increase in local government revenues estimated to exceed \$1,000,000 to the extent local governments choose to levy privilege taxes under the provisions of the bill.

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is written in a cursive style with a large, stylized initial "J".

James A. Davenport, Executive Director